

MEETING #23 – July 6

At a Joint Meeting of the Madison County Board of Supervisors and the Madison County Planning Commission on July 6, 2016 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Vice-Chair
Jonathon Weakley, Member
Robert W. Campbell, Member
[REDACTED]
Charlotte Hoffman, Member
V. R. Shackelford, III, County Attorney
Daniel J. Campbell, County Administrator
Betty Grayson, Zoning Administrator

ABSENT: Kevin McGhee, Member

Planning Commission:

Call to Order

Mr. Yowell advised of the recent passing of Bill Heflin.

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum

Mr. Yowell, Commission Chair, noted that a Quorum was present.

2. Approval of Minutes

The minutes of the June 1, 2016 joint meeting were approved as presented.

3. Action Items:

Mr. Yowell provided an overview of tonight's meeting process; representatives were asked to approach the podium to provide their name and any information pertinent to tonight's case; questions will be entertained by the Commission members, the public, and then the case will be recommended onto the Madison County Board of Supervisors either for approval, denial or tabling. In closing, he asked that applicants remain for the Madison County Board of Supervisor's portion of tonight's meeting.

32-51B **a. Case No. SU-07-16-13:** Request by Robin K. Serne or James C. Serne or Judith A. Serne for an indefinite special use permit to operate a catering business out of their home. This property is located at 2071 Wilderness Road (Route 640) near Brightwood and contains 3.836 acres of land, zoned A-1 (Pending a variance for two uses on less than six acres of land that will be taken up by the Madison Board of Zoning Appeals on July 18, 2016). An email has been received from Dwayne Dixon, Sanitarian, of the Madison Health Department dated today, July 6th at 2:53 p.m.; a letter has also been presented from Anthony Hurlock of VDOT and states there no objection to tonight's request for two (2) uses – letter also states it's the responsibility of the owner to continuously maintain the entrance and guarantee compliance with VDOT specifications and standards.

Robin K. Serne, applicant, advised that she received the email, and also referred to correspondence received from VDOT.

Mr. Yowell referred to a letter received from T. A. Houston that indicated they've inspected the existing sewer system; the letter further denotes that based on current sewer regulations, the current use/occupation would not create an increase in water usage and the system should function as designed. In closing, the letter states, that *"in my professional opinion, the cottage kitchen will have no impact on the current system."*

Comments from the Planning Commission focused on:

- ✓ *Why the applicant needs to apply for a special use permit to be referred to as a 'caterer'*
- ✓ *Additional requirements may be discouraging to the economic activity the County tries to attract*
- ✓ *Clarification as to what 'residential occupancy' refers to (i.e. home or cottage)*

Betty Grayson, Zoning Administrator, advised that the phrase 'residential occupancy' applies to all the same.

Ms. Serne noted that the phrase 'cottage kitchen' is misleading; the kitchen is in the home.

The County Attorney suggested an amendment to include that 'the residential occupancy of the dwelling should not exceed the capacity of the sewer system as approved by the Madison Health Department, or by a professional engineer', and feels the aforementioned phrase will not impose any issues regarding the 'number of people'. He further advised that if a professional engineer approves the request, the County will accept it.

Ms. Grayson advised that the County usually accepts requirements as suggested by Dwayne Dixon, Sanitarian, of the Madison Health Department, to which she advised that Mr. Dixon had received the letter provided from Mr. Houston.

Additional comments from the Planning Commission focused on:

- ✓ The floor plan of the house isn't being modified (just the kitchen)

Dave Lewis, Surveyor, was present and advised that the engineer is providing calculations based on his knowledge/expertise.

Ms. Grayson noted that in her opinion, Mr. Dixon was assessing how the request would affect the septic system (i.e. grease collection, etc.).

Ms. Serne noted that a grease trap was installed to collect grease to prevent it from entering the septic system; additional items to be installed (as per the request of Wes Smith, Building Official) include placing a hinge on the door.

The County Attorney noted that the Madison Health Department does less these days, and now require folks to hire a soil scientist if they desire to install a septic system, and accepts the soil scientist's findings. In closing, he questioned the correspondence provided by Mr. Dixon and the fact that he didn't attend tonight to explain his position, which may cause a delay in action on tonight's case.

Supervisor Campbell noted that in the Commonwealth of Virginia, it's standard for the health department to provide the necessary services to perform assistance required for the placement of a septic system on a property; also, (based on his past experience) if an engineer's stamp is on the document for a system, that individual is responsible to perform all the necessary work that accompanies the certificate, and the health department has never turned down a plan that a professional engineer has approved.

Ms. Serne advised that she's currently using the kitchen; they're allowed to freeze and package items for sale at the farmer's market in accordance with Virginia State Code; she noted in the future, she'd like to start holding local events (i.e. food, wine, etc.) which will become a health concern; in order to prep any food in the kitchen, health department approval is required, which in turn, will require zoning approval.

The County Attorney explained that in his opinion, the difference is that the applicant wants to serve hot food that isn't packaged; in looking at the County's Zoning Ordinance, the only category this type of activity can be categorized in is 'catering.' If the County didn't list the 'use' in the 'catering' category or there wasn't another appropriate category, the 'use' wouldn't be allowed, therefore, the 'use' was categorized as such (i.e. catering).

It was questioned if the County could accept a portion of the requirement, contingent upon approval by the Madison Health Department.

The County Attorney suggested that section 1 be evaluated and acted upon; if a problem arises with the Madison Health Department, he'd be willing to defend the County'.

After discussion, the Madison County Planning Commission recommended that Case No. SU-07-16-13 be presented to the Madison County Board of Supervisors for approval, with the following conditions:

- ✓ Change to accept T.A. Houston's letter
- ✓ A maximum of two (2) employees
- ✓ No onsite service
- ✓ SUP is contingent upon approval by the Board of Zoning Appeals
- ✓ Conditions will be met as recommended by Wes Smith, Building Official

56-4B

b. Case No. SU-07-16-14: Request by John Kipps & Barbara Kipps & David Kipps for an indefinite special use permit to allow processing of farm and food products with retail sales. This property is located at 6943 S. Blue Ridge Turnpike (Route 231) near Pratts and contains 42.094 acres of land, zoned A-1. A letter dated June 20, 2016 was received from Anthony Hurlock of VDOT to denote no objections to the request. A letter was received from Dwayne Dixon, Sanitarian, of the Madison Health Department that indicated that one (1) portable toilet would be sufficient and that a portable hand washing station be provided. Wes Smith, Building Official, has submitted an email that denotes his approval for the use.

The Kipps' were present to answer any questions pertaining to tonight's request.

Ms. Grayson referred to the second paragraph of VDOT's correspondence pertaining to the existing entrance, and doesn't feel that VDOT will require any upgrades.

It was clarified that the exiting entrance will be sufficient as long as the use doesn't exceed fifty (50) vehicle trips per day.

Reference was also made to Mr. Dixon's email that indicated the use will be for a three (3) month time period. The applicant also advised that recommendations (as required by the Madison Health Department) will not pose any issues.

After discussion, the Madison County Planning Commission recommended Case No. SU-07-16-14 to the Madison County Board of Supervisors for approval, with the condition that the shed be removed (from the existing right-of-way).

Mr. Yowell, Chair, advised that the upcoming Agenda will be finalized to include a draft energy systems ordinance and discussion on County fees; the Board of Supervisors has requested the Commission review the fees to ascertain whether the current fee structure is 'in line' or 'too high' in regards to the established fee structure for the surrounding localities.

Comments from the Board:

- *Supervisor Campbell: Noted that recommendations be provided and then the County can determine how to move forward*
- *Supervisor Weakley: Suggested that applicant fees could be reduced for the number of copies as required in County ordinances (i.e. subdivision, zoning)*

Mr. Yowell, Chair, announced that Rural Madison and Woodberry Forest School will host a candidate's night on October 5th for the Fifth District Congressional Campaign; they're requested that County officials be present for the event. Since this is the same night of the October Joint meeting, he questioned whether the Commission would like to change the meeting date.

After discussion, the Madison County Planning Commission voted to move the October 2016 Joint meeting from Wednesday, October 5th to Tuesday, October 4th, in order to allow Commission members to attend the candidates' night scheduled for October 5th at the Woodberry Forest School.

4. Adjournment

With no further action being required, Mr. Yowell, Chair, adjourned the Madison County Planning Commission's portion of tonight's meeting.

Board of Supervisors

Call to Order

- 1. Determine Presence of a Quorum**
- 2. Adoption of Agenda**

Chairman Jackson called the Madison County Board of Supervisors to order. All members are present – a quorum was established.

Additions to the Agenda:

- *Add Item 4a: Closed Session (2.2-3711(A)(1) Pertaining to discussion, consideration of perspective candidate(2) for employment for Assistant County Administrator/Director of Finance position]*

3. Action Items:

- a. Case No. SU-07-16-13: Request by Robin K. Serne or James C. Serne or Judith A. Serne ...*

Supervisor Campbell advised concerns about 'government over reach' regarding the requirements the applicant is being asked to adhere to in order to attain approval of tonight's request.

Supervisor Weakley thanked the applicant for doing business in the County; also noted that requirements noted by the Madison Health Department are based on the Commonwealth's guidelines; also questioned the associated costs to hire an engineer, and would like to see the County allow the applicant to recoup the associated costs.

Mr. Serne expressed appreciation for the suggestion, but advised that action wasn't necessary.

Supervisor Campbell moved the Board approve Case No. SU-07-16-13 and allow the applicants to live peaceably in their house, participate in county events, and that the County refund the entire fee of \$500.00.

****Motion dies for the lack of a second****

Supervisor Weakley moved the Board approve Case No. SU-07-16-13 as recommended by the Madison County Planning Commission with the following conditions:

- ✓ Change to accept T.A. Houston's letter
- ✓ A maximum of two (2) employees
- ✓ No onsite service
- ✓ SUP is contingent upon approval by the Board of Zoning Appeals
- ✓ Conditions will be met as recommended by Wes Smith, Building Official; and
- ✓ The County shall refund the \$200.00 permit to the applicant for them incurring engineering fees

****Motion dies for the lack of a second****

- *Supervisor Campbell: Feels that a motion dying for the lack of a second is bureaucratic; feels the County needs younger folks who are willing to contribute to the County*

Supervisor Hoffman moved the Board approve Case No. SU-07-16-13, as recommended by the Madison County Planning Commission, with the recommended conditions:

- ✓ Change to accept T.A. Houston's letter
- ✓ A maximum of two (2) employees
- ✓ No onsite service
- ✓ SUP is contingent upon approval by the Board of Zoning Appeals
- ✓ Conditions will be met as recommended by Wes Smith, Building Official

The County Attorney advised the Board can't take action on the condition pertaining to the variance.

Supervisor Hoffman restated her motion to recommend the Board approve Case No. SU-07-16-13 as recommended by the Madison County Planning Commission with the **removal** of the three (3) Madison Health Department conditions, seconded by Supervisor Weakley.

Discussion:

- *Supervisor Weakley: Questioned if the motion will need to include the correspondence from the engineer.*

The County Attorney advised that the letter of correspondence will be a matter of record and filed.

Ayes: Jackson, Weakley, Campbell, Hoffman. Absent: McGhee. Nays: (0).

- b. *Case No. SU-07-16-14: Request by John Kipps & Barbara Kipps & David Kipps...*

Discussion:

- *Supervisor Campbell: Verbalized concerns regarding the requirements being asked of the applicant; suggested the County re-examine how things are done here*

The County Attorney explained that the County's Ordinance indicates that the property in discussion is zoned agricultural and that retail sales aren't applicable on an agricultural property; due to the fact the applicants would like to have retail sales in an agricultural zone, the ordinance requires a special use permit, which will provide an 'opening' to allow retail sales in an agricultural zone – if this guideline wasn't in place, the ordinance would prohibit retail sales in an agricultural zone.

Supervisor Campbell moved the Board approve Case No. SU-07-16-14, as recommended by the Madison County Planning Commission, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

Public Comment:

Chairman Jackson opened the floor for public comment. No comments were provided.

4. Information/Correspondence-

October Joint Meeting - Rescheduled to October 4th

Supervisor Campbell moved the October Joint meeting be rescheduled to Tuesday, October 4th, as recommended by the Madison County Planning Commission, seconded by Supervisor Weakley. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

Broadband (Citizen's Group)

Supervisor Weakley noted that he met with a representative from the group; it's anticipated the topic will be added to the July 12th meeting to provide insight; the group has been asked to provide ideas; review of a feasibility study is being done.

a. Closed Session: 2.2-3711(A)(1) – [Discussion-consideration of perspective candidate(s) for employment for Assistant County

Administrator/Director of Finance Position]

a. Closed Session: On motion of Supervisor Weakley, seconded by Supervisor Hoffman, the Board convened in a closed session, pursuant to Virginia Code Section 2.2-3711(A)(1), pertaining discussion, consideration of perspective candidate(2) for employment for Assistant County Administrator/Director of Finance position, with the following vote recorded: *Aye: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee*

b. Motion to Reconvene In Open Session:

On motion of Supervisor Weakley, seconded by Supervisor McGhee, the Board reconvened in open session, with the following vote recorded: *Ayes: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee.*

c. Motion to Certify Compliance:

On motion of Supervisor Weakley, seconded by Supervisor Campbell, the Board certified by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code 2.2-3711(A)(1), and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, with the following vote recorded: *Ayes: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee.*

No action was taken as a result of closed session

4. Adjournment

With no further action being required, on motion of Supervisor McGhee, seconded by Supervisor Hoffman, Chairman Jackson adjourned the meeting. *Ayes: Jackson, Weakley, Campbell, Hoffman. Nays: (0). Absent: McGhee.*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: July 12, 2016

Copies: Board of Supervisors, County Attorney & Constitutional Officers



Agenda
Joint Meeting and Public Hearing
Madison County Board of Supervisors
Wednesday, July 6, 2016 at 7:00 p.m.
Madison County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727



Planning Commission

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum
2. Approval of Minutes
3. Action Items:

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zoned A-1. (Pending a variance for two uses on less than six acres of land.)

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4. Adjournment

Board of Supervisors

Call to Order

1. Determine Presence of a Quorum
2. Adoption of Agenda
3. Action Items:
 - a. Case No. SU-07-16-13: Request by Robin K. Serne or James C. Serne or Judith A. Serne.....
 - b. Case No. SU-07-16-14: Request by John Kipps & Barbara Kipps & David Kipps.....
4. Information/Correspondence (if any)

a. Closed Session [2.2-3711(A)(1) Pertaining to discussion, consideration of perspective candidate(s) for employment for Assistant County Administrator/Director of Finance position]
5. Adjournment

AMENDMENT NOTED IN ROYAL BLUE WITH YELLOW HIGHLIGHT